



COMMONWEALTH OF MASSACHUSETTS
**Board of Registration
of
Hazardous Waste Site Cleanup Professionals**

MINUTES
of
BOARD MEETING
Held on
February 7, 2011

Meeting Location: Assabet River National Wildlife Refuge
680 Hudson Road
Sudbury, Mass.

Prepared by: T. Wood

[Approved: April 5, 2011]

List of Documents Used at the Meeting:

1. Agenda
2. Draft Minutes of Meeting held on December 6, 2010
3. Report from Recent Quasi Judicial Session
3. Application Docket
4. Renewal Dockets
5. Waiver Request from Michael E. Hopkins (LSP #9599)
6. Final FY-2011 Program Priorities

1. **Call to Order:** Chairperson Janine Commerford called the meeting to order at approximately 2:26 p.m. The other Board members present were Gail Batchelder, Jack Guswa, Christophe Henry, Gretchen Latowsky, and Kelley Race. Board members absent: Kirk Franklin, Deborah Farnsworth, Robert Luhrs, and Debra Stake. The LSP Board staff members present were Lynn Read, Terry Wood and Al Wyman. Also present was Wes Stimpson of the LSP Association; Wendy Rundle, the Executive Director of the LSP Association; and Tom Potter from MassDEP.
2. **Announcements:** None.
3. **Agenda:** The Board members agreed to follow the draft agenda.
4. **Minutes:** The Board reviewed the draft minutes of the meeting of the Board held on December 6, 2010. **A motion was made and seconded to approve the minutes with minor edits. The motion was approved unanimously.**

5. **Reports from Recent Quasi-Judicial Session:** The staff requested and received the Board's unanimous consent to publish in the minutes of this meeting the following report from a previous quasi-judicial session of the Board.

Administrative Consent Order Re: Complaint 06C-08

At a quasi-judicial session held on October 4, 2010, Ms. Read, acting as the Board's attorney on this matter, presented the terms of a proposed agreement for discipline that, if approved, would resolve this Complaint and the pending adjudicatory proceeding commenced after the Board issued an Order To Show Cause in January 2010. During the presentation, the LSP's name was not disclosed.

The members of the Board who were present were as follows: Jack Guswa, Christophe Henry, Debra Stake, Kirk Franklin, Gretchen Latowsky and Robert Luhrs. No one else was present.

Ms. Read reported that the Complaint Review Team (Ms. Batchelder, Ms. Race and Ms. Wood) and the respondent LSP were jointly proposing that the Board approve an agreement for discipline of an fifteen-month suspension of the LSP's license and a requirement that the LSP complete 40 credits of continuing education in the areas of risk assessment, site characterization, fate and transport and conceptual site modeling. If any of the deadlines for obtaining the required continuing education credits were missed, the LSP's license would be suspended for an additional 90 days. Ms. Read described the reasons for the parties' recommendation that the Board accept the proposal.

The Board members present discussed the proposed resolution of this case. At the conclusion of this discussion, a motion was made and seconded to approve the proposed agreement for discipline.

The motion was approved unanimously (6 to 0).

Thereafter, on October 20, 2010, the Respondent LSP signed an Administrative Consent Order in which he agreed to terms set forth in the Board's vote. The suspension of the LSP's license began on January 1, 2011.

Throughout this discussion, the Respondent LSP's name was kept confidential. Now that this Complaint has been resolved, the LSP's name, Daniel Jaffe, is being made public.

6. **Decisions Regarding Licensing of Applicants:** The staff announced that there were no Application Dockets to present this month.

7. **License Renewal Applications:**

A. Renewal Dockets. The staff presented the following License Renewal Dockets:

Renewal Docket #1
Renewal Date: October 30, 2010
New Renewal Date: October 30, 2013

Has completed all requirements for renewal
within the 90-day extension:

1. John McHugh #1808

Renewal Docket #2
Renewal Date: April 30, 2011
New Renewal Date: April 30, 2014

Has completed all requirements for renewal:

1. Martin Hilfinger #7675

Renewal Docket #3
Renewal Date: January 30, 2011
New Renewal Date: January 30, 2014

1. Michael Hopkins #9599

Renewal Docket #4
Renewal Date: January 30, 2011
New Renewal Date: January 30, 2014

Completed all requirements for renewal.

<u>LSP #</u>	<u>Last Name</u>	<u>First Name</u>
2400	Adams	John
1855	Ainsworth	Michael
4026	Alving	Todd
6105	Andronico	Anthony
6698	Ankiewicz	John
9556	Ankstitus	Robert
3050	Army	Thomas
1481	Atwood	Robert
2062	Austin	David
6054	Barrett	James
1699	Beaulieu	Kevin

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8120	Begley	Mark
2061	Begley	James
4667	Berger	Marcia
3163	Betters	William
2999	Bhunja	Prasanta
3760	Blake	Craig
5771	Blauvelt	Robert
3965	Bois	Carol
8655	Brackett	Robert
7639	Bramley	David
4014	Branco	Dolores
2754	Brookman	Gordon
6250	Brown	Michael
5371	Brown	Elissa
2003	Bruehl	Donald
5248	Bukoski	Ronald
3788	Cambareri	Thomas
5160	Carlson	David
4454	Chaffee	Walter
4662	Cho	Yee
6774	Christian	Richard
5103	Clement	John
1900	Commerford	Janine
1148	Conway	Michael
2359	Cote	Richard
7430	Cunningham	Arthur
1359	Curtis	Janina
9749	Curtis	Jeffrey
3063	Cushing	Richard
6039	D'Amore	Denis
7798	Dangel	Robert
9093	Davis	Allen
3124	Dipilato	Mathew
6508	Doherty	Richard
9354	Dolce	Thomas
4755	Donovan	Ambrose
2196	Drubinski	John
5326	Engels	Joseph
6088	Ezovski	Gary
9445	Fagan	Brandon
8624	Falk	Linda

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9095	Fam	Sami
9370	Figgins	Leland
9342	Fitzgerald	James
1927	Fitzpatrick	Russell
2870	Gagnon	James
5222	Gallinaro	Cosmo
6997	Geisser	Michael
9719	Gladstone	Ileen
4217	Guswa	John
1992	Gwardyak	Chester
9926	Hanna	Sara
7196	Higgins	Joseph
1620	Hopcroft	Francis
2306	Horan	Christopher
7109	Hoskins	Bruce
2093	Hoyerman	William
5438	Hughes	Paul
9997	Irwin	J. Andrew
2259	Jammallo	Joseph
6118	Johnson	Raymond
2890	Kahrs	Lawrence
9070	Kemper	Timothy
9435	Klingler	Charles
8493	Klingler	Brian
7220	Kowalski	Richard
1217	Landyn	Joseph
7877	Lang	David
3211	Leather	Raymond
4669	LeBlanc	Christine
9763	Lessard	Lawrence
4183	Lilley	Frank
6891	Lindberg	Charles
4075	Luby	Thomas
3621	Luhrs	Robert
6522	Luker	James
2025	Maguire	Thomas
4966	Mallio	William
5755	May	Geoffrey
2140	McGlew	Peter
7336	McGlinicy	Dorothy
1808	McHugh	John

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5711	McManus	Paul
2398	McTiernan	Lawrence
6423	McTigue	John
6542	Menzies	Kenneth
1965	Mitchell	William
8435	Moore	Brian
7351	Moran	Brian
6544	Morgan	Cedwyn
8186	Mullin	Robert
5483	Murphy	James
3264	Myette	Charles
4620	Nangeroni	Peter
9000	Nickelsen	Bruce
3013	Noris	Jonathan
8945	Norman	William
9092	OBrien	James
4836	Okun	James
9908	OReilly	Kevin
4051	Pease	Robert
7755	Penney	Ralph
2963	Phillips	Ian
4078	Pierdinock	Michael
4492	Podsen	Donald
7450	Polsinello	Joseph
9995	Preble	George
6799	Ram	Neil
5019	Rein	Robert
5767	Reiter	Paul
9415	Rendall	John
4488	Richards	Ronald
9495	Robbins	Matthew
6713	Roberts	Nancy
9882	Rumba	Steven
5455	Sakakeeny	Stephen
8998	Sewall	Andrea
6543	Shope	Steven
1847	Simmons	William
1698	Simmons	Thomas
3497	Simpson	Dana
3266	Snow	Kenneth
5309	Snyder	Alvin

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8403	Spirito	John
2242	Standish	Richard
3199	Stewart	Robert
8456	Stone	Timothy
1008	Stromberg	Richard
6406	Swanson	William
8412	Sweet	Frank
5473	Taylor	Daniel
5407	Taylor	Fred
8260	Teale	Charles
7473	Tella	Ralph
1984	Thomas	Simon
3722	Thompson	David
3989	Thompson	John
3972	Tomka	Derek
3133	Tuttle	Dennis
7804	Van Doren	Edward
6894	Walker	Allen
6934	Webster	Michael
3331	Weir	Barbara
6442	Weiss	Alan
9982	Westphalen	Olaf
9134	Wilder	Russell
7212	Williamson	Thomas
7710	Young	James
5654	Ziegler	John
6567	Zimmerman	Edward
9451	Zirbel	Martha

Renewal Docket #5
Renewal Date: January 30, 2011
Extension Date: April 30, 2011

Requesting a 90-day extension:

<u>LSP #</u>	<u>Last Name</u>	<u>First Name</u>
4521	Ball	Raymond
1631	Barvenik	Matthew
4141	Bingham	Michael
5573	Boscardin	Marco
9492	Burns	Ronald

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9055	Clark	Michael
6314	Collins	R. Duff
9096	Creighton	Kathleen
9788	Crispin	David
8959	DeTufo	Anthony
3452	DeRosa	Michael
9996	Germano	Mark
9350	Horter	Dawn
6215	Humes	Janet
4280	Kubiczki	John
8104	Kuriger	William
9056	Maclean	David
4913	McKenna	Jack
8523	Race	Charles
5800	Stevenson	Thomas
8097	Tawa	Anthony
7343	Veren	Keith
2413	Vetere	Frank
6746	Vitale	Joseph
5463	Wozmak	Richard

Renewal Docket #6
Renewal Date: February 28, 2011
New Renewal Date: April 30, 2014

1. William Baird #2791

8. Other Licensing-Related Matters:

A. New Panel Assignments and Scheduling. The following Board members were assigned to Application Review Panel #237: Ms. Race, Mr. Henry and Mr. Guswa.

B. Appeals Status Report. Ms. Wood reported that there are no pending appeals regarding the Board's denial of a license application.

C. Inactive Status Report. The staff reported the following change to the list of inactive LSPs:

- Kleo Taliadouros (#8501) requested to be placed on Inactive Status at c.o.b. on 12/31/10
- A total of 5 LSPs are currently on Inactive Status.

D. License Suspended. The staff reported that the license of Daniel Jaffe (#2347) was

suspended as of 1/1/11 as a result of a disciplinary action.

E. Total Number of Active LSPs. The staff reported that the total number of Active LSPs as of the date of this meeting was 553.

F. Special Review of Renewal Application. The staff reported that Michael E. Hopkins (LSP #9599) had submitted a completed renewal application on which he checked the box indicating that he had been disciplined by another professional board. To further explain this matter, Mr. Hopkins submitted a copy of a consent order issued by the Connecticut State Board of Examiners of Environmental Professionals (LEP Board) in November 2009. The consent order stated that Mr. Hopkins was being issued a letter of reprimand as a result of a complaint that alleged he did not characterize a site in accordance with prevailing standards and guidelines and he was also required to complete eight additional continuing education credits. He also included a January 4, 2011 letter from the LEP Board stating that Mr. Hopkins had completed the required continuing education credits and was in full compliance. Mr. Hopkins also included a letter he wrote explaining the he did not believe he had inadequately assessed the site but entered into a settlement to put the matter behind him.

The Board members discussed the statutory requirement in M.G.L. Chapter 21A, Chapter 19C that states the Board may renew a license only if the Board believes the LSP will be in compliance with all standards and requirements applicable to LSPs. During discussion, Board members noted that at no point in time did the CT LEP Board suspend or revoke Mr. Hopkin's license. After discussion, a motion was made and seconded to renew Mr. Hopkin's license. The motion passed unanimously.

9. **Examinations:**

A. New Licensees. The staff reported that the following approved applicants passed the licensing exam and are now LSPs:

<u>Exam Date</u>	
• Scott Masse (#9102)	12/1/10
• Geoffrey Souza (#4122)	12/1/10
• Ryan Hoffman (#2845)	12/2/10
• Robert Leventry (#7231)	12/2/10
• Jeffrey Garretson (#7924)	12/3/10

B. Date of Next Exam. The staff reported that the next exam will be given June 6 and June 8-10, 2011.

C. Discussion re: reconvening exam subcommittee. Ms. Wood discussed that the Board should consider reconvening the exam subcommittee at some point in the near future since the current versions of the exam have been in use since December 2007.

Ms. Commerford pointed out that the process of putting together new questions for the exam is labor-intensive and requires assistance from a number of outsiders including MassDEP staff and other LSPs. She stated that the Board will need to work on putting an exam subcommittee back together in the near future.

10. Continuing Education Committee Report:

A. Course and Conference Approval Requests. Mr. Wyman reported that the Committee had met earlier in the day and had the following course recommendations to present to the full Board:

Sponsor: LSPA

Course Title: Risk Management of Plant Uptake

Credits Requested: 4 non-DEP Technical Credits

Committee Recommendation: Mr. Stimpson stated that upcoming regulatory changes will likely make this course obsolete and, for this reason, the LSPA will not likely offer it but would come back to the Board in the event they decided to offer it in the future. **The Committee's recommendation was to table the course.**

Sponsor: SETAC

Course Title: Endocrine Disruptors

Credits Requested: (6 non-DEP Technical Credits).]

Committee Recommendation: **Deny.**

Sponsor: LSPA

Course Title: Fundamentals of Organic Chemistry

Credits Requested: (8 non-DEP Technical Credits).]

Committee Recommendation: **Approve.**

Sponsor: LSPA

Course Title: Surveying for Environmental Professionals

Credits Requested: (6 non-DEP Technical Credits).]

Committee Recommendation: **Approve.**

Sponsor: Irwin Silverstein (#8559)

Course Title: Environmental Science

Credits Requested: (8 non-DEP Technical Credits).]

Committee Recommendation: **Deny.** Mr. Silverstein is an LSP. He teaches this high school course and seeks credit as the teacher.

Mr. Silverstein also requested feedback from the Board whether they would consider approving for continuing education credit an Advanced Placement version of the high school Environmental Science course or a graduate level course in climate change he intends to teach at UMass Boston in the future.

Committee Recommendation: **Insufficient information to make a recommendation.**

A motion was made and seconded to accept the Committee's recommendations. The motion was approved unanimously.

B. Other Business:

The license of William Baird (LSP #2791) is currently suspended due to a disciplinary action. Provided he successfully renews his license prior to the close of business on February 28, 2011 and completes additional continuing education requirements pursuant to the Administrative Consent Order he entered into with the Board, his license will be reinstated in March 1, 2011. Mr. Baird already submitted his license renewal application and requests that the committee recommend approval of his three-year renewal at today's meeting so that his license can be reinstated, provided all other conditions of his ACO are met, on March 1, 2011.

Committee recommendation: Approve Mr. Baird's three-year license renewal at today's meeting. **A motion was made and seconded to accept the Committee's recommendation. The motion was approved unanimously.**

David Maclean (LSP # 9056) requests a waiver of 309 CMR 3.09(7)(b) that requires an LSP attend 100% of a continuing education course that is between one and four hours in length in order to receive credit. Mr. Maclean stated that he was twenty-five minutes late to a four-hour MassDEP course held on December 9, 2010 due to traffic. He requested the Board waive the requirement and grant him the four credit hours.

Committee Recommendation: **Deny the waiver request.**

A motion was made and seconded to accept the Committee's recommendation. The motion was approved by a vote of five (Ms. Batchelder, Ms. Commerford, Mr. Guswa, Mr. Henry and Ms. Race) to one (Ms. Latowsky).

David Crispin (LSP # 9788) seeks a waiver of 309 CMR 3.06(5)(e) that states that "*no portion of the credits for a continuing education course required to fulfill the requirements of one renewal period may be carried over into the subsequent renewal period.*" He is 4 DEP credits short of completing his January 30, 2011 license renewal but does qualify for a 90-day extension. He took an eight-credit MassDEP course prior to his 2008 license renewal and only needed four of those credits. He requests permission to apply the other four credits from that course to his 2011 renewal. In the alternative, Mr. Crispin requests the Board waive the requirement of 309 CMR 3.09(3) that requires an LSP obtain a minimum of 12 DEP course credits in each three-year renewal period.

Committee's Recommendation: **Deny the waiver request.**

A motion was made and seconded to accept the Committee's recommendation. The motion was approved by a vote of five (Ms. Batchelder, Ms. Commerford, Mr. Guswa, Mr. Henry and Ms. Race) to one (Ms. Latowsky).

11. **Professional Conduct Committee:** Since all the Board members present at this meeting were also present at the meeting of the Professional Conduct Committee held earlier in the day, the Board agreed to forego a Committee report.
12. **Personnel, Budget, and Fees**
 - A. **Personnel Update.** Ms. Commerford reported that the Board staff was still composed of three people.
 - B. **Budget.** Ms. Wood reported that the Governor's proposed 2012 budget proposes level funding for the LSP Board.
 - C. **Fees.** The staff reported that in January the staff sent out annual fee notices to all LSPs and over 200 LSPs submitted renewal applications with related fees.
13. **Status of Board Member Replacements by Governor:** Ms. Commerford stated that she resubmitted packages for two candidates. She added that no candidates have yet been identified for the vacant labor slot.
14. **Other Business:**
 - A. **Discussion regarding the potential for raising LSP fees to increase revenue.** Ms. Commerford stated that she and Ms. Wood met with MassDEP's CFO to inquire whether it would be beneficial to propose raising LSP fees to increase revenue and argue for additional Board funding and staff. She reported that the CFO had indicated such a proposal would not likely benefit the Board's budget.
 - B. **Feedback from LSP Course Subcommittee.** The members of the subcommittee (Ms. Commerford, Ms. Batchelder, Mr. Guswa, Mr. Race and Ms. Wood) stated that they had met before today's meeting to discuss altering the 3-credit LSP Board course presented at the UMass Soils Conference in October to present a similar 4-credit course in the near future. The committee stated they planned to make the course three hours long with homework required prior to the course that would count as the other hour similar to what MassDEP does with their audit course. The committee stated that they planned to try to use the clicker system for the course as was used at the UMass course to allow participants to electronically answer questions during class discussion. The Committee inquired of Mr. Stimpson whether the LSPA planned to purchase a set of clickers in the near future. Mr. Stimpson stated that he believed LSPA may be purchasing this equipment very soon. When asked by the Board, Mr. Stimpson stated that LSPA may be able to assist the Board with the general administration of the course as they had in the past. The Committee stated they were considering offering the course in late spring or summer.
 - D. **Topic for next article in the LSPA News.** Mr. Stimpson stated that he had drafted an article for the next issue of the LSPA News regarding the Board's disciplinary process. He stated that Ms. Wood had reviewed the draft and provided edits.

E. **Other New Business.** There was no other new business.

15. **Scheduling of Next Meeting:** The Board discussed next meeting on a date in mid-March to early April. Ms. Wood stated she would send an e-mail out to all Board members next week regarding scheduling.

16. **Enter Executive Session:** A motion was made and seconded that the Board enter Executive Session for the purpose of reviewing the minutes of the December 6, 2010 Executive Session and thereafter to adjourn and not return to public session. The motion was approved 6-0 on a roll call vote. Ms. Commerford conducted a roll-call vote. Each member present voted as follows:

Ms. Batchelder	Aye	Ms. Latowsky	Aye
Ms. Commerford	Aye	Ms. Race	Aye
Mr. Henry	Aye		
Mr. Guswa	Aye		

At approximately 3:48 p.m. the Board entered into Executive Session.